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TOPIC	PAGE
*Child Abuse/Neglect/Protection	2-14
Homelessness	15-16
Education	17-18

Child protection reforms, spurred by Nicholas Braman's death, head to Senate

Posted by [destep](#) August 22, 2008 07:54AM



Nicholas Braman

LANSING -- A bill package aimed at streamlining communication and boosting accountability among state child protection agencies has jumped a legislative hurdle.

Spurred by the October killing of 9-year-old Nicholas Braman by his father in Montcalm County, the bills have passed the Family and Human Services Committee and will be considered by the full Senate when it resumes session after Labor Day.

The legislation would overhaul communication between the state Department of Human Services and local Friend of the Court offices in certain custody, parenting time, and investigation cases.

One piece of the four-bill package would require the DHS to develop statewide investigation checklists, meaning a case could not be closed until that list has been satisfied.

FOR THE KIDS

Senate Bills 1418 through 1421 are meant to overhaul communication and accountability between state child protection agencies. In current form, they would:

- Require the state Department of Human Services to determine whether there is an open Friend of the Court case for suspected abused or neglected children.
- Require DHS notify the local FOC office of an investigation if there's an open FOC case.
- If aware of an open case, DHS must notify local FOC when there's a change in the child's placement.
- Give local FOC offices unrestricted access to DHS central registry information.
- FOC must notify DHS of procedural developments in cases under investigation.
- Require DHS to develop an investigation checklist to be used in each investigation. Cases could not be closed until the list is satisfied.
- FOC employees must report any suspected abuse or neglect.

SOURCE: Senate Fiscal Agency

The bills are sponsored by state Sens. Mark Jansen, R-Gaines Township, the committee chair, and Alan Cropsey, R-DeWitt.

Jansen expects the package to receive broad support in the Senate.

"It seems like a lot of common sense," he said. "I don't expect any problems."

Senate Majority Leader Mike Bishop, R-Rochester, is "obviously" behind the bill package, according to Matt Marsden, a spokesman for Bishop.

"When we come back in September, I'm sure it will be one of the things we work into the schedule," he said.

The legislation follows an April hearing in which the DHS admitted that department procedure contributed to Braman's death, who was under the watch of state child protection workers at the time.

The boy was not removed from his father's home by DHS staff, even though his father, Oliver Braman, pleaded guilty to felony child abuse charges stemming from an assault with a cattle prod on Nicholas' two older brothers.

While awaiting sentencing, Braman killed Nicholas, his new wife and himself, in a murder-suicide by carbon monoxide poisoning.

Nicholas' mother, who earlier had a child custody dispute with Braman, called for changes at the state level following her son's death.

Jansen said there was some resistance to the bills by DHS officials, who objected to some wording, and a "bigger policy issue, but nothing that will stop it," he said.

The specter of the DHS and FOC having to share the bulk of their case file information appeared to be a sticking point, officials said.

Ron Hicks, a liaison with the DHS, said that agency was successful in adapting language changes to ensure it only needs to exchange information in "the most egregious cases out there."

Hicks said DHS investigates 130,000 to 135,000 complaints annually

Should the bills pass the Senate, they will need to find time on the House calendar, which may be complicated by election year schedules.

Rep. Judy Emmons, R-Sheridan, said there is support in the House.

"I assume it will move along pretty rapidly in the House," she said. "It needs to be done, and it needs to be done this year."

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Comments

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Mom tells of baby's last night alive

Friday, August 22, 2008

By John S. Hausman
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MUSKEGON COUNTY -- Jurors Thursday heard the mother's story of the last days of little Houston Mikell Curtis.

The year-old baby died Feb. 1, 2004, from a severe head injury suffered the night of Jan. 30-31 in the Muskegon apartment of his mother, Crystal Bell. That night, Bell and the man she had recently begun dating, Marcus Tulenkun Bolden, were alone with the boy. Bell was 21, Bolden was 19.

Bolden is charged with open murder in Houston's death. The boy died at DeVos Children's Hospital in Grand Rapids. The child was not Bolden's.

Bolden, in jail for another misdemeanor child-abuse conviction, was charged in March 2008 after he made statements to police that led to his arrest. Bolden reportedly told police that -- while the mother was in another room of her Merrill Avenue apartment talking on the phone -- he threw the baby onto a bed. The child allegedly bounced and struck a wall or bedpost, causing the skull fracture and brain damage that led to his death less than two days later.

On the witness stand, Bell testified about finding her gravely injured baby hours later when she checked on him around 2 a.m. in her bedroom. She said she had been sleeping on a living-room couch for several hours, unaware anything was wrong with her child, whom she had left on her bed with Bolden the evening before. When she awoke in the night, Bolden was asleep on another couch in the living room, and the baby was alone on her bed.

"(Houston was) laying on his back," Bell said. "His head was swollen really bad. He had spit bubbles coming out of his mouth. ... His body was limp. ... His eyes were open. You could tell he was trying to breathe (with difficulty)."

She panicked, Bell testified. "I was hollering and crying, calling Marcus to wake up." She phoned her mother, who lived a few blocks away. When her mother and stepfather arrived within minutes and saw Houston's grossly enlarged head, Crystal's mother immediately called 911 for an ambulance.

The child was taken to Mercy Health Partners Sherman Campus, then transferred to DeVos, where he was declared brain-dead the next day.

Bell testified that, the evening of Jan. 30, she had been on the phone for a long time with Houston's father, Jon Curtis, who was in the Army out of state. She said Bolden grew angry when she refused to end the conversation, got up from the couch where she was sitting with the child, and walked into her bedroom after saying angrily, "OK, I got you."

Eventually Houston fell asleep, and she brought the baby into the bedroom where Bolden was watching TV. She said she laid the baby on the queen-sized bed where

Bolden sat and stopped to reassure Bolden he had nothing to worry about from the phone call. She said she returned to the living room, still on the phone.

At some point after that, Bell testified, "I heard a noise ... like a loud smacking noise, like a click." She said she ran into the bedroom to see what it was but saw nothing out of the ordinary; Houston appeared to be still asleep on the bed, she said.

Later on, she said, she let Bolden give the baby, who had a bad cold, two droppers full of liquid prescription medicine that she prepared. She said she didn't go into the small bedroom with Bolden but looked in the door and saw Houston still lying on his back on the bed. She said she couldn't tell if the baby was awake or asleep.

Under direct examination by Senior Assistant Prosecutor Dale J. Hilson, Bell denied ever abusing the baby herself or causing the injury that killed him.

Also among Thursday's witnesses was Bell's stepfather, who frequently baby-sat Houston with Bell's mother while Bell worked a second-shift job at Herman Miller. Tyrone Stuckey said he never saw any signs that Bell abused her son but did notice the boy acted frightened of Bolden when they were all together for Houston's first birthday on Jan. 29. Based on that, Stuckey said, he insisted that the baby spend that night with the Stuckeys rather than with Bolden and Bell.



Friday, August 22, 2008

Teacher's child sex charges dropped

Ferndale man spared 3rd trial in drawn-out case

Jennifer Chambers / The Detroit News

PONTIAC -- A kindergarten teacher whose sexual assault conviction was overturned by a judge will not stand trial a third time on charges he raped two students.

James Norman Perry walked out of Oakland Circuit Court a free man Thursday after Livingston County Assistant Prosecuting Attorney Pamela Maas said there was insufficient evidence to proceed with a third trial in the highly controversial case.

"The interests of justice are best served" by not moving forward, Maas told Judge Denise Langford Morris.

After the decision Perry smiled and hugged his attorney. Outside the courtroom, he appeared in a state of shock and was momentarily speechless.

"It is very overwhelming. ... It has been three years, and I am just happy the prosecutor took an objective look at the case and made the right decision," said Perry, who was flanked by his father, pastor and two defense lawyers.

Morris had given Maas three months to review evidence in the case and court transcripts from Perry's two prior jury trials before determining whether she could go forward with a third trial on charges that Perry raped two boys in an Oak Park elementary school in 2005.

Maas specifically cited "the numerous inconsistencies that have arisen in the three times that the children have had to testify in court, the inconsistencies between their forensic interviews and their courtroom testimony and the conflicts between the testimony of school personnel and the child witnesses" as why she said it is not possible to prove guilt beyond a reasonable doubt.

Perry, 34, of Ferndale taught at Key Elementary School and was facing up to life in prison in February 2007 after his first trial and conviction on two counts of second-degree criminal sexual conduct involving boys 4 and 5 years old. Perry was originally charged with pulling the two boys out of a lunch line and sexually assaulting them in an empty classroom.

But in a rare move, Morris tossed out the jury's guilty verdict, ordered a second trial and released Perry from jail on bond, a GPS tether and prohibited him from having contact with children unless their parents were present.

Morris agreed with defense attorneys that new defense witnesses found after the trial might have influenced the jury's decision and that it would be a "miscarriage of justice" not to include their testimony.

Perry's second trial, at which he took the stand and denied the allegations, ended in a hung jury in March.

The matter was passed on to Livingston County after Oakland County Prosecutor David Gorcyca disqualified his office from handling it because of a pending grievance against him.

Gorcyca initially was to make a decision on a third trial. But he was targeted for an attorney grievance probe because of statements he allegedly made to a newspaper editor, in a radio interview and in a press release after Perry's first conviction on the charges.

The complaint alleges Gorcyca made statements that could have "had a substantial likelihood" of prejudicing court proceedings.

A motion by Gorcyca's lawyers to dismiss the grievance was heard Aug. 7. A decision is expected by the end of the month.

A jury in the first trial convicted Perry after only five hours of deliberation, although that jury did not hear the testimony of three school employees who said the incident could not have occurred in the special education classroom, which was routinely supervised by adults.

Another new witness claimed to have seen Perry remove boys from the cafeteria line, and an expert in forensic interviewing of children testified that children's memories are often influenced by parents and others.

The mother of one of the victim's, who is not being named to protect her son's identity, said she learned of the prosecutor's decision not to re-try Perry on the TV news.

"I still believe he is guilty and I don't agree with the way this has been done," the woman said Thursday.

"My whole prayer now is other children come forward. I just want my son to be well. I still believe it's going to come out (that there are other victims) and he will be tried again."

The only comfort the decision has brought her is that her son will be spared from testifying again.

"It's going to help them (both boys) to heal, but what does that teach us about the justice system? Does telling the truth matter?" she said.

Perry's attorneys could not be reached Thursday evening to respond to the mother's comments.

Perry, who has been on leave from the Oak Park School District, said he does not know whether he will return to teaching. He said he is not bitter or angry at prosecutors who put him on trial twice, but he doubts he can ever reclaim his reputation in the community.

"I prayed to God many times that justice would finally come. I have so many phone calls to make to tell people the good news," Perry said as he walked out of the courthouse.

A call to the Oakland County Prosecutor's Office for a comment was not returned early Thursday.

Find this article at:

<http://www.detnews.com/apps/pbcs.dll/article?AID=/20080822/METRO/808220356>

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Friday, August 22, 2008

Pontiac

3 men found guilty of murder

Separate juries return guilty verdicts against a trio of Pontiac residents in a 2007 double slaying.

Delores Flynn and Mark Hicks / The Detroit News

PONTIAC -- Three Pontiac men have been found guilty in the June 2007 fatal shootings of two men and the sexual assault of a 17-year-old girl.

The men had separate jury trials. The verdicts were sealed until all the juries ended deliberations for Charles R. Smith, 23; Steven A. Bard, 30; and Jonathan Phlegm, 25.

Assistant Oakland County Prosecutor Ken Frazee said Bard, Phlegm and Smith were found guilty of murder, premeditated murder and criminal sexual assault. They face life in prison when sentenced next month.

The trio were alleged members of the North World Order, a Pontiac gang that robbed a rival drug dealer.

Maurice Threlkeld, 22, and Cleveland Brown, 28, were beaten, robbed and then taken elsewhere and fatally shot before their bodies were stuffed into the back seat of a Chevrolet Suburban left near Interstate 75 and Seven Mile, Frazee said. Brown's 17-year-old girlfriend, who was sexually assaulted, identified two defendants from a photo lineup.

Smith was identified through DNA found on the girl's body after she was sexually assaulted. The Detroit News does not identify rape victims. The girl testified that a pillowcase was put over her head and her hands were tied, but she was able to see men she later identified as Bard and Phlegm.

While not disputing the DNA evidence, defense attorneys attacked the case against their clients, particularly witnesses who placed their clients in the house.

Smith's defense attorney, Doug Oliver, told the jury the girl and Smith had sex the day before the attack. But Michigan State Police lab technicians testified DNA evidence taken from the victim at 5:30 a.m. on June 5 could not have been more than 12 hours old.

Bard's defense attorney, Robert Adams, told jurors there was no evidence his client was ever at the house or in the car where the slain men were found.

Sentencing will be Sept. 2 for Smith and Bard and Sept. 4 for Phlegm.

The verdict pleased the victims' relatives.

"I really think they (jurors) brought justice," said Floretta Williams, Threlkeld's aunt. "It brought some closure to the family."

Detroit News Staff Writer Mark Hicks contributed to this report.

Find this article at:

<http://www.detroitnews.com/apps/pbcs.dll/article?AID=/20080822/METRO02/808220353>

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Child sex charges get 'Greatest Dad' prison



ASSOCIATED PRESS • AUGUST 22, 2008

A 33-year-old man who authorities say wore a "World's Greatest Dad" T-shirt to have sex with someone he believed was a 14-year-old girl has been sentenced to three to 20 years in prison.

Oakland County Circuit Judge Michael Warren issued the sentence Thursday for Daniel A. Everett of Clarkston.

Everett pleaded guilty Aug. 7 to child sexual abuse and using the Internet to attempt child sexual abuse.

Everett has been sued for divorce by his wife, Michelle. Her lawyer is Robert F. White, who says the defendant's stepdaughter gave him the "World's Greatest Dad" shirt. The couple don't have biological children.

Messages seeking comment were left for defense lawyer Deborah McKelvy.



Pre-trial hearing for Allanah Benton-Wells pushed back a week; She's accused of having sex with 12-year-old student

Posted by Shannon Murphy | The Flint Journal August 22, 2008 11:20AM

FLINT, Michigan -- A pre-trial hearing for a former Flint schools teacher accused of having sex with her 12-year-old student has been delayed a week.

Allanah Benton-Wells appeared in Flint District Court on Friday morning, but never went before Judge Nathaniel Perry.

Flint Journal extras

Related articles on this case:

- **Aug. 20, 2008:** [Former Flint teacher suspected of sexual assault married recent graduate who attended district where she previously taught](#)
- **Aug 19, 2008:** [Former Flint teacher, Allanah Benton-Wells, accused of sex with 12-year-old student released on personal recognizance](#)
- **Aug. 19, 2008:** [Former Flint teacher Allanah Benton-Wells officially charged with sexual assault for allegedly having sex with sixth-grade student](#)
- **Aug. 19, 2008:** [Flint teacher accused of having sex with 12-year-old student, says Genesee County Prosecutor David Leyton](#)

Her attorney, Mike Haley, said he and prosecutors spoke with Perry in closed chambers and decided to move the hearing until Aug. 29 because Haley has not obtained information from the prosecution, such as the police report on the case.

Benton-Wells, 42, has been charged with two counts of first-degree criminal sexual conduct for allegedly having sex with a sixth-grade boy she was tutoring. If convicted, she faces up to life in prison.

Haley said his client is devastated by the accusations and it is difficult for her to sleep and eat.

"She has had highs and lows," he said. "It's meant the world to her to hear from (supportive) former students and parents and coworkers."

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DNA ties Cheboygan man to '94 rape

August 22, 2008 12:00 am

CLINTON TOWNSHIP (AP) -- A DNA test ties a northern Michigan man to an unsolved rape in Macomb County in 1994, but no charge will be filed because the statute of limitations expired six years later, a prosecutor announced Thursday.

The case made headlines in 2003 when another man who insisted he was innocent was released from prison after nearly nine years.

"She will never get justice. ... To be perfectly frank, it angers her," county Prosecutor Eric Smith said of the victim, who was 28 at the time.

Craig Gonser, 40, is in the Cheboygan County jail for domestic violence. In May, a DNA sample required in that case matched evidence collected in the Clinton Township rape, Smith said.

Authorities still plan to use the genetic result in a new case against Gonser, who will be released from jail Friday.

He will be charged with distributing sexually explicit material to a minor and aggravated indecent exposure, stemming from a 2004 incident in Sterling Heights, Smith said.

If Gonser is convicted, the DNA test can be used to try to boost his sentence to life in prison, the prosecutor said.

"This is not the kind of guy we want on the streets," Smith said.

Gonser does not have a defense attorney yet in the new Macomb County case.

Clinton Township Det. Sgt. Kevin Kline said investigators spent weeks trying to find a way to get around the statute of limitations. Their best chance was proving that Gonser, a trucker, had spent at least 366 days outside of Michigan between 1994 and 2000.

But Kline learned Gonser didn't become a trucker until after 2000.

"This was such a challenge," he said.

Ken Wyniemko was convicted of the rape and sent to prison in 1994. But he was released in 2003 after tests on the victim's underwear cleared him of any involvement. He said garments had been withheld by police.

Wyniemko later sued Clinton Township in federal court and settled for \$3.7 million.

He now travels the country talking about wrongful convictions.

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Photos



Craig Gonser AP

Nation's homelessness czar says Kalamazoo's plan for affordable housing is one of state's best

Thursday, August 21, 2008

Kalamazoo

BY REBECCA BAKKEN

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KALAMAZOO -- Kalamazoo Mayor Bobby Hopewell met with the nation's homelessness czar Wednesday to discuss the progress the community has made on a countywide action plan to end homelessness.

Unveiled in November 2006, the 10-year plan focuses on prevention and the creation of more affordable housing.

Philip Mangano, executive director of the U.S. Interagency Council on Homelessness, said Kalamazoo County's plan to end homelessness is ``absolutely one of the best plans in Michigan."

He also said it takes the involvement of all government levels along with the private sector of the community.

``No one level of government can get the job done," Mangano said.

The plan was developed by a collaborative organization made up of governmental, nonprofit, business, education and human service groups known as the Kalamazoo County Affordable Housing Partnership.

The partnership calls the plan a ``blueprint for action," and it is meant to be adaptable to meet emerging needs.

Hopewell said the goal is to end homelessness and not just to manage it. He said the solutions that have always been used to feed and temporarily house the homeless will not be sufficient in the future.

“We can't continue to use the old-school methods to deal with the problems of today,” Hopewell said.

Under the plan, the partnership has secured 55 vouchers to provide rent subsidies for the homeless, built 13 new homes for low-income families and initiated an eviction-diversion program, among many other accomplishments.



Friday, August 22, 2008

Iris Salters: Labor Voices

Make graduation a higher priority

Creating network of successful programs could better fight state's dropout problem



In the coming days, a new state report will shed more light on the status of Michigan's dropout crisis. But no matter what the numbers say, we have a serious problem that we must work on together for the sake of our children, our communities and our economy.

As we await what promises to be a more consistent reporting of graduation rates across the state, we can safely assume that there will be ups and downs. While having consistent numbers to help measure the problem is certainly useful, we can't lose sight that even schools with the smallest number of dropouts have a responsibility to tackle this problem.

One dropout is too many. Without a high school diploma, these young people will have difficulty in securing quality employment and housing. Many dropouts place avoidable burdens on law enforcement, state assistance programs and social service agencies. And worst of all, many will pass along their negative school experiences to their children and grandchildren, perpetuating a damning and damaging cycle.

During the first round of dropout crisis hearings held this spring by the Michigan Education Association and several partners, three key themes seem common to success in graduating more students.

First, children need to feel adults care about them. They need strong relationships with adults both in and out of school. And we need to prepare those adults to connect with children effectively, whether they are parents, community and faith leaders, teachers, counselors or other school employees.

Second, students need guidance in connecting the dots between their education, their interests and their future. Students learn differently and deserve an education that meets their needs -- not a one-size-fits-all approach.

Finally, we need to accept and understand that this is not simply a high school problem, but rather something that we must address from an early age and throughout students' academic careers.

In the hearings we've conducted thus far, we've heard about countless programs that are making a difference.

We heard from school employees who spend one evening a week meeting with students and their families in a donated apartment at a large housing complex where many of them live.

There are virtual learning systems designed to help teen mothers and other dropouts continue their education outside the classroom, and other school setups that provide needed flexibility for students to engage and succeed in their education.

There are programs that train teachers how to forge relationships with teen-agers and workshops that develop the necessary skills for both elementary students and their parents to succeed in school from day one.

There are mentoring programs to ensure that at least one person in the school personally knows each student, their interests, their goals and offer the support they need to succeed.

As we hold another round of hearings during the next six weeks, we certainly expect to hear about more great programs. But it begs the question: If there are so many wonderful ideas that work, why do we still have a problem?

The answer comes down to coordination and commitment.

Despite their successes, the isolation of many of these programs limits their effectiveness. By learning what others are doing within a community, a strong network of programs can come together to keep students from falling through the cracks. Our communities -- large and small; urban, suburban and rural -- must make the commitment to unite, share resources and make graduating students from high school a priority.

One such opportunity presents itself in the Oct. 20 Dropout Prevention Leadership Summit in Lansing, where community, business, education and parent leaders will identify how they can combine and coordinate local efforts to stem the dropout crisis.

There are certainly things our leaders in Lansing can do to help these community efforts, which is why we will provide Gov. Jennifer Granholm and the Legislature with the thousands of pages of testimony we are gathering at the dropout hearings.

With this vast community input, data to identify the extent of the problem, meaningful policy changes from Lansing and commitment from everyone with a stake in our students' success, we can improve graduation rates and prepare students for 21st-century jobs to drive our economy for years to come.

Iris Salters is president of the Michigan Education Association, a union that represents teachers and education support staff. Please e-mail comments to letters@detnews.com.

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